

REMARKS/ARGUMENTS

Reconsideration and reversal of the rejections expressed in the Office Action dated November 2, 2006 are respectfully requested in light of the following.

Claims 1-12 and 14-25 are pending, wherein claims 1, 14, 24, and 25 are presented in independent form. Claim 1 has been amended in order to better define and more clearly recite the invention, while claim 13 has been canceled. New claim 25 is presented and recites the subject matter of originally solicited claim 2.

The specification has been amended to correct certain minor informalities. More particularly, paragraph [0042] has been amended to properly recite an upper portion "160" and a shroud "144," while paragraph [0051] has been amended to provide the proper tense for the verb "placed."

Claim 13 has been rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. Claim 13 has been canceled, not in acquiescence of the Examiner's rejection, but in order to further advance this application toward allowance.

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,491,238 to Swanson et al. (hereinafter "Swanson et al.").

Amended claim 1 recites, *inter alia*, a swivel mount for a spray head including a holder, a first retainer including a tubular portion received within an opening of the holder, and a body including an outer surface having a semi-spherical portion. Claim 1 now further recites a seal positioned in sealing engagement with the semi-spherical portion of the body and the holder.

Swanson et al. discloses a spa jet including an outer housing 13 having an inlet tube 116 and a chamber wall 117. A flow guide 130 includes a generally cup-shaped inner wall 131, generally conforming to the shape of the chamber wall 117. The inner wall 131 carries a flow tube 132 which guides water from the inlet tube 116 into the nozzle passage 128 of a rotatable nozzle 126. A radial ball bearing 120 includes an outer annular race 122 and an inner race 124 concentrically mounted to the outer race 122. The inner race 124 has an annular skirt region 124a extending axially toward the inlet tube 116 in aligned, spaced relation to it.

Swanson et al. fails to disclose, much less teach or suggest, a seal positioned in sealing engagement with a semi-spherical portion of a body and a holder, as now clearly recited in

amended claim 1. More particularly, component 124a is the annular skirt region of a radial ball bearing 120, and does not sealingly engage a body and a holder. For at least these reasons, it is respectfully submitted that claim 1, and the claims dependent therefrom, are in condition for allowance.

Claim 13 has been further rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson et al. in view of U.S. Patent No. 6,536,809 to Marty et al. As noted above, claim 13 has been canceled. As such, this rejection has been obviated.

Applicants acknowledge with appreciation the Examiner's allowance of claims 14-24, and indication that claims 2-12 contain allowable subject matter.

New claim 25 is solicited and includes the subject matter from allowable claim 2. As such, it is respectfully submitted that claim 25 is in condition for allowance.

For at least the foregoing reasons, it is respectfully submitted that all of the solicited claims are now in condition for allowance. Such action is respectfully requested.

If necessary, applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this amendment be charged to the account of Baker & Daniels LLP, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during reconsideration of this matter.

Respectfully submitted,



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